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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/556,951

11/16/2006

Martin Moshal

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20306

7590

06/09/2010

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EXAMINER

D'AGOSTINO, PAUL ANTHONY

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

06/09/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/556,951	<b>Applicant(s)</b> MOSHAL, MARTIN	
	<b>Examiner</b> Paul A. D'Agostino	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/16/2005; 6/16/2006; and 6/13/2008</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Pub. No. 2001/0036857 to Mothwurf et al. (Mothwurf).

#### In Reference to Claim 1

Mothwurf discloses a system and method (Figs. 1-7) of a jackpot casino system and betting terminals, comprising:

a gaming server [0015] operable under program control to regulate the progress of any one of a number of different selectable games [0015, 0085];

a user access facility (Examiner interprets this broadly to be a casino or narrowly to be a specific machine [0004, 0015] usable by a player to select any one of the number of different selectable games for play and to place a wager on any turn thereof [0019-0030 and 0139;

a communication network (Fig. 1 and [0015]) providing communication between the user access facility and the gaming server;

a storage means [0016] communicable with the user access facility by means of the communication network; and

a logging facility ([0015, 0219, 0108 data from hubs from MDC units sent into central database storage, also 0109-0120, 0124) associated with the user access facility, including:

a) a buffer memory capable of storing transaction data relating to the player's wagers on a plurality of turns of any of the different selectable games (see above references); and

b) a logging application software program operable to log transaction data in the buffer memory and to automatically download the logged transaction data from the buffer memory to the storage means when the buffer memory is full (see above references, also 0098, 0101, 0127-0128)).

#### In Reference to Claim 2

Mothwurf discloses the gaming server is communicable with a plurality of different user access facilities by means of the communication network, each one of the plurality of different user access facilities having a corresponding unique identification code and a corresponding logging facility ([0004, 0113-0114, 0123])

#### In Reference to Claim 3

Mothwurf discloses the logged transaction data downloaded to the storage means by the logging facility in each of the plurality of different user access facilities is consolidated and merged in the storage means (See rejection of claim 1, also network flow of data in Fig.s 2-7 into DMU)

In Reference to Claim 4

Mothwurf discloses the transaction data relating to any wager includes data relating to a size and type of the wager, an outcome of the wager, the outcome of the wager being either successful or unsuccessful, a size of a prize won by the player when the wager is successful, and a corresponding identity of one of the number of different selectable games on which the wager was placed ([0109-0120, 0067-0076, see also State info which is tracked, 0128]).

In Reference to Claim 5

Mothwurf discloses the transaction data relating to any particular wager also includes a unique identification code of a user access facility from which the player placed the wager (this can be the casino id or a specific player id, see [0013, 0141])

In Reference to Claim 6

Mothwurf discloses the games are casino games [0002].

In Reference to Claim 7

Mothwurf discloses the communication network is the Internet ("Ethernet" 0107 and Fig. 1)

In Reference to Claim 8

Mothwurf discloses the user access facility is a computer workstation connectable to the World Wide Web of the Internet ("game stations" 0178).

In Reference to Claims 9-13

Claims 9-13 claim the method of the apparatus disclosed in claims 1-8.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is provided in the Notice of References Cited.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571) 270-1992. The examiner can normally be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..
5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul A. D'Agostino/  
Examiner, Art Unit 3714